

Notice of Allowability**Application No.**

09/591,239

Examiner

Callie E. Shosho

Applicant(s)

HIRANO ET AL.

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 11/12/03.
2. ☒ The allowed claim(s) is/are 7,8,11,13 and 14.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No. _____ | 7 <input type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

Callie E. Shosho
Primary Examiner
Art Unit: 1714

Statement of Reasons for Allowance

1. The present claims are allowable over the "closest" prior art JP 61066604, Terada et al. (U.S. 5,851,325), and JP 07124913 for the following reasons:

JP 61066604 discloses a method of manufacturing ligneous material comprising mixing first wood elements which are 15-20% acetylated wherein the degree of acetylation is based on percentage of acetylation of hydroxyl groups and second wood elements which are not acetylated and then binding the mixture with phenolic binder. However, there is no disclosure or suggestion in JP 61066604 that the first wood elements have diameter of 0.1-1.0 mm as now required in all the present claims. Further, there is no disclosure that the binder comprises polyisocyanate and phenolic resin as presently claimed.

Terada et al. disclose molded wood product comprising wooden fiber and binder wherein the binder comprises phenolic resin and polyisocyanate. However, there is no disclosure or suggestion of method comprising binding first wood fibers which are acetylated with a first degree of acetylation wherein the first degree of acetylation measured in weight gain is 7% or greater and second wood fibers which are not acetylated as required in all the present claims or any disclosure of average degree of acetylation measured in weight percent gain as presently claimed.

JP 07124913 discloses a wood plate material comprising laminated structure comprising an acetylated wood raw material, unacetylated wood raw material, and acetylated wood raw material in that order wherein the wood raw material comprises wood fibers with diameter of 0.1-0.7 mm. A phenolic binder is added to each of the acetylated wood material and the unacetylated wood material. Thus, JP 07124913 discloses that the acetylated wood raw material,

unacetylated wood raw material, and acetylated wood raw material, which each comprise binder, are laminated in this order and pressed to form a plate shape. However, this is in direct contrast to the present claims which require binding acetylated wood fibers and unacetylated wood fibers to form a composite. That is, while the present claims require binding, i.e. adding binder, to a mixture of acetylated wood fibers and unacetylated wood fibers, JP 07124913 teaches that the acetylated woody raw material and the unacetylated woody raw material are kept separate in their own layers and binder applied separately to each. Further, there is no disclosure that the binder comprises polyisocyanate and phenolic resin as presently claimed.

Thus, it is clear that JP 61066604, Terada et al., and JP 07124913, either alone or in combination, do not disclose or suggest the present invention

In light of the above, it is clear that the rejections of record are untenable and so, the present claims are passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Callie E. Shosho whose telephone number is 703-305-0208. The examiner can normally be reached on Monday-Friday (6:30-4:00) Alternate Fridays Off.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Callie E. Shosho
Primary Examiner
Art Unit 1714

CS
11/24/03